



**Performance Note**  
**HB0421 - Intensive Services Pilot**  
**Program**  
Sponsor: Rep. Judkins, Marsha



Performance Note Report

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Agency: State Board of Education

Funding For:

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New Services or Benefit

Public Benefit:

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**Purpose:** This legislation establishes a three-year Intensive Services Pilot Program to test out and study various approaches to funding the costs of special education students who require high-cost special education services. HB 5012 from the 2020 5th Special Legislative Session eliminated the Special Education Intensive Services Program and repealed the governing statute, Utah Code 53F-2-309. The appropriation reduction was \$2.8 million ongoing. The Intensive Services program provided funding to LEAs to meet the needs of students with high-cost special education services and supports required by their Individualized Education Programs (IEPs). LEAs with students who generated expenditures more than three times the statewide average (approximately \$23,000) could apply to the Utah State Board of Education (USBE) to receive supplemental reimbursement. The purpose of the Intensive Services Program is to help LEAs ensure that all students have equitable access to the services they need to succeed.

**Services:** If funds are appropriated, every LEA that applies can expect at least ten thousand dollars of eligible costs to be reimbursed, and smaller school districts and charter schools (with fewer than five thousand students) can allow classroom-related costs for students to be included in their reimbursement calculations. USBE will seek ways to standardize costs and streamline program application processes. For any state funds appropriated for the pilot program: 1. USBE will only distribute up to one-third of the allocated funds per year, so modifications can be made in years two and three of the pilot program, to improve distribution methodologies. 2. Half of the funds would be allocated using the same methodology set forth above for the federal funds portion of the program. 3. The other half of the funds would reimburse LEAs that supplement their special education budgets with general operating revenues. 4. At the end of each year of the pilot program, USBE will work with an Intensive Services workgroup made up of key LEA stakeholders to assess the distributions and make recommendations to the Board for modifications and updates to the program. 5. At the end of the pilot program, USBE will present findings and recommendations to the Public Education Appropriations Subcommittee on the outcomes of the pilot program and provide recommendations for addressing Intensive Services needs in an ongoing fashion.

**Expected Outcome:** To provide for a more equitable distribution method for Intensive Services funds, to provide funds to more LEAs to help cover the high costs of more students, and to collect better data on the needs for and uses of special education funds.

Implementations and Resources: The program will be implemented by USBE staff, in coordination with an Intensive Services workgroup, to discuss the distributions and make recommendations to the Board for modifications and updates to the program.

How: USBE will assign staff to: 1. Work with an Intensive Services workgroup to discuss the distributions and make recommendations to the Board for modifications and updates to the program,2. Create rules to implement the program,3. Create streamlined application forms, 4. Develop/finalize formulae for the distribution of funds, 5. Review LEA applications,6. Distribute funds to LEAs the meet the requirements,7. Collect necessary data to determine the efficiency of the distribution formula and recommend any changes needed, and8. Provide the required reports to the Board and the Public Education Appropriations Committee.

Performance Measures

Goal

Title: Equitable percentage burdens, factoring in economies of scale.

Description: This metric will be created with the Intensive Services workgroup. It will assess the percentage burdens of special education budgets on LEAs, equitably factoring in economies of scale.

Collection Method: The data are already collected through LEA Annual Program Reports (APRs), submitted to USBE Financial Operations, as well as through October 1 enrollment counts. Target or Benchmark: This target must be set collaboratively with the Intensive Services workgroup. Baseline: This target must be set collaboratively with the Intensive Services workgroup.

	2021	2022	2023
Target	0.00	0.00	0.00
Baseline	0.00	0.00	0.00

Goal

Title: Number of LEAs applying for and receiving funds through the program.

Description: This metric will assess the number of LEAs applying for and receiving reimbursement funds through the program. In prior years, only a small subset of Utah LEAs applied for and received funds from the program.

Collection Method: Collection Method: The applications received and distributions of Intensive Services funds.Target or Benchmark: This target must be set collaboratively with the Intensive Services workgroup.Baseline: 7 LEAs for FY 2018.

	2021	2022	2023
Target	0.00	0.00	0.00
Baseline	0.00	0.00	0.00

## Goal

Title: Number of LEAs supplementing special education budgets with general revenues.

Description: This metric will measure how many LEAs are supplementing their special education program with general operating revenues.

Collection Method: Collection Method: The APRs submitted to USBE Financial Operations each year. Target or Benchmark: This target must be set collaboratively with the Intensive Services workgroup. Baseline: The timing of this target must be set collaboratively with the Intensive Services workgroup.

	2021	2022	2023
Target	0.00	0.00	0.00
Baseline	0.00	0.00	0.00

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By rule, performance notes are provided by the governmental entity that will supervise the new agency or administer the new program. Performance notes are not written by the Office of the Legislative Fiscal Analyst.